

EXHIBIT “E”

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

X

Omer Levy

Plaintiff

Docket No. 11-3155

-against-

Receivables Performance
Management, LLC.

Defendant

X

**PLAINTIFFS' LOCAL RULE 56.1 STATEMENT OF
UNCONTROVERTED FACTS**

COMES NOW, Plaintiff by his undersigned counsel, and provides the following statement of material facts as to which they contend there is no genuine issue to be tried.

1. The Court has jurisdiction over the Plaintiff's claims under 15 U.S.C Section 1692k (d); 28 U.S.C Section 1331 and/or 18 U.S.C. Section 1337.

2. Defendant used an "automatic telephone dialing system" as defined by the "Telephone Consumer Protection Act" to telephone 646-286-4424 284 times.

(Stipulation of the Parties, attached as Exhibit A to Plaintiff's motion)

3. The telephone number 646-286-4424 was the Plaintiff's cellular phone at all times Defendant called the number. **(Plaintiff's Affidavit; Stipulation of the Parties attached to Plaintiff's motion as Exhibit GG, paragraph 10)**